



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/722,205	11/25/2000	Jamie M. Grooms	TB-1041B

CONFIRMATION NO. 3721

FORMALITIES LETTER



OC000000005909893

Gerard H. Bencen
Bencen & Van Dyke, P.A.
1630 Hillcrest Street
Orlando, FL 32803

Date Mailed: 03/28/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$696.
 - \$216 for 12 total claims over 20.
 - \$480 for 6 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1536.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

09/05/2001 09ABT1 00000084 09722205
01 FC:101 710.00 OP
02 FC:103 216.00 OP
03 FC:102 480.00 OP
04 FC:105 130.00 OP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Grooms *et al.*

Application No.: 09/722,205

Filed: 11/25/2000

Title: Cortical Bone Cervical Smith-
Robinson Fusion Implant

Group Art Unit: 3738

Attorney Docket No.: RTI-104IB

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION AND
REQUEST FOR CORRECTION OF FILING RECEIPT**

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Box Missing Parts

Sir:

This is in response to a Notice to File Missing Parts of Application under 37 CFR 1.53(b). Enclosed is a copy of said Notice and the following documents and fees to complete the filing requirements of the above-identified application.

(X) Executed Declaration and Power of Attorney. The above-identified application is the same application which the inventor executed by signing the enclosed declaration.

(X) Statutory basic filing fee of \$710.00 (X) Utility () Design

(X) Additional claim fees of \$696.00 (\$216.00 for 12 total claims over 20 and \$480.00 for 6 independent claims over 6).

(X) Missing Parts Surcharge of \$130.00.

(X) Request for Correction of Filing Receipt is attached.

(X) A Petition for Extension of Time for reply to Notice of Missing Parts is attached.


(X) three months = \$890.00

(X) Payment is done by credit card. Form PTO-2038 is attached.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 8/28/2001

Typed Name: Timothy H. Van Dyke

Signature: 

Respectfully submitted,

By 

Timothy H. Van Dyke, Reg. No. 43218

Date: 8/28/2001

Telephone No: 407-228-0328



Receipt
#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Grooms *et al.*

Application No.: 09/722,205

Filed: 11/25/2000

Title: Cortical Bone Cervical Smith-
Robinson Fusion Implant

Attorney Docket No.: RTI-104IB

Group Art Unit:
3738

REQUEST FOR CORRECTION OF FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner hereby requests a correction in the Filing Receipt of the captioned patent application. Petitioner requests the deletion of the following inventors: Charles L. Branch; Mingyan Liu; Lawrence M. Boyd and Loic Josse. The listing of these inventors on the declaration/power of attorney as originally filed on November 25, 2000 was an inadvertent error. Enclosed is a copy of the Filing Receipt with the changes noted thereon.

Respectfully submitted,

8-28-2001
Date

Timothy H. Van Dyke
Timothy H. Van Dyke, Reg. No. 43218
Attorney for Applicants
Bencen & Van Dyke, P.A.
1630 Hillcrest Street
Orlando, Florida 32803
Phone: 407-228-0328



COPY

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/722,205	11/25/2000	3738	0.00	TB-104IB	22	32	9

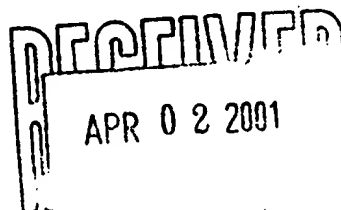
CONFIRMATION NO. 3721

FILING RECEIPT



OC000000005909892

Gerard H. Bencen
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1630 Hillcrest Street
Orlando, FL 32803



Date Mailed: 03/28/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jamie M. Grooms, Gainesville, FL;
Kevin C. Carter, Gainesville, FL;
Tom Sander, Alachua, FL;
David H. Dulebohn, Naples, FL;
~~Charles L. Branch, Advance, NC;~~
~~Mingyan Liu, Bourg-la-Reine, FRANCE;~~
~~Lawrence M. Boyd, Memphis, TN;~~
~~Loic Josse, Palaja, FRANCE;~~

} delete

Continuing Data as Claimed by Applicant

Foreign Applications

If Required, Foreign Filing License Granted 03/27/2001

Projected Publication Date:

Non-Publication Request: No

Early Publication Request: No

CTS 4/2/01
Date received 4/2/01
Docketed 4/3/01 By smj/mk
Timely response due _____
Last date to file response _____

Title

Cortical bone cervical smith-robinson fusion implant

Preliminary Class

623

Data entry by : LUENG, YIN

Team : OIPE

Date: 03/28/2001



**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231